

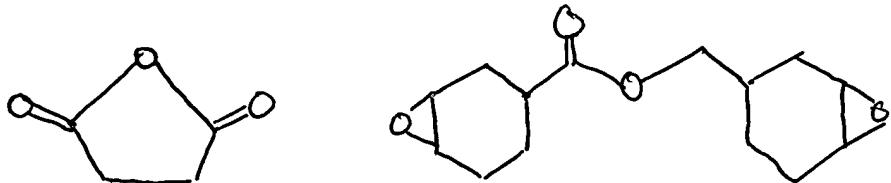
## REMARKS

### 1. Status of the Claims

Presently, Claims 1-18 are pending in the present application. Claim 1 has been amended and Claims 7-18 have been deleted.

### 2. Rejection Under 35 U.S.C. §102(b)

The Examiner has rejected Claims 1-18 under 35 U.S.C. §102(b), based on the contention that they are anticipated by U.S. Patent No. 6,045,937, issued to Kolb et al (Kolb '937). Specifically, the Examiner has stated that Kolb '937 specifies, *inter alia*, the additive of the present invention because it discloses an additive with a molecular weight of at least 105, that is represented by the formulae:



Applicant respectfully traverses the Examiner's rejection. Nevertheless, Applicant has amended Claim 1 to better clarify the invention, by specifically listing the possible chemical compounds that can be utilized as the additive. As amended, Claim 1 is not taught, disclosed or suggested by any prior art reference.

Kolb '937 discloses a device with an improved cycle coulombic efficiency that is accomplished through the addition of an additive such as CPDA, THPA, EDTDA, SA, CA, DSA, styrene, BEC or DIP. (Kolb '937, Cols. 4, 6 and 7). Kolb '937, however, fails to disclose any of the compounds included in amended Claim 1, and therefore cannot anticipate that claim.

In fact, the present invention represents a clear improvement over the disclosure in Kolb '937, because additional cell characteristics are improved with the new additive substances claimed in Claim 1. Kolb '937 teaches the use of additives, such as SA, which are indeed capable of improving the first cycle coulombic efficiency. SA, however, provides insufficient rate characteristics and capacity retention percentage after repeated charge and discharge cycles. (See Table 1, Page 47, L. 7-Page 48, Line 1 of the Specification). The present additives improve all of these characteristics such that the total cell evaluation is improved. Since the simple additives provided in Kolb'937 fail to provide the improved efficiencies disclosed in the present invention, there is not even a suggestion to include the claimed compounds in the electrochemical cell of Kolb'937.

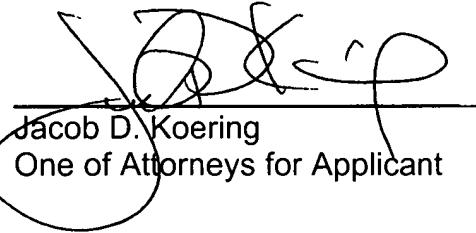
Based on the above Applicant submits that Claim 1 is not taught, disclosed or suggested by the prior art, and should therefore now be in condition for allowance. Similarly, the remaining claims, which all depend from Claim 1, should also now be in condition for allowance. Therefore, reconsideration and passage to allowance of Claims 1-6 is respectfully requested.

Should anything further be required, a telephone call to the undersigned, at (312) 226-1818, is respectfully invited.

Respectfully submitted,

FACTOR & LAKE, LTD.

Dated: April 6, 2004

  
Jacob D. Koering  
One of Attorneys for Applicant

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on April 6, 2004.

Jacob D. Koering

